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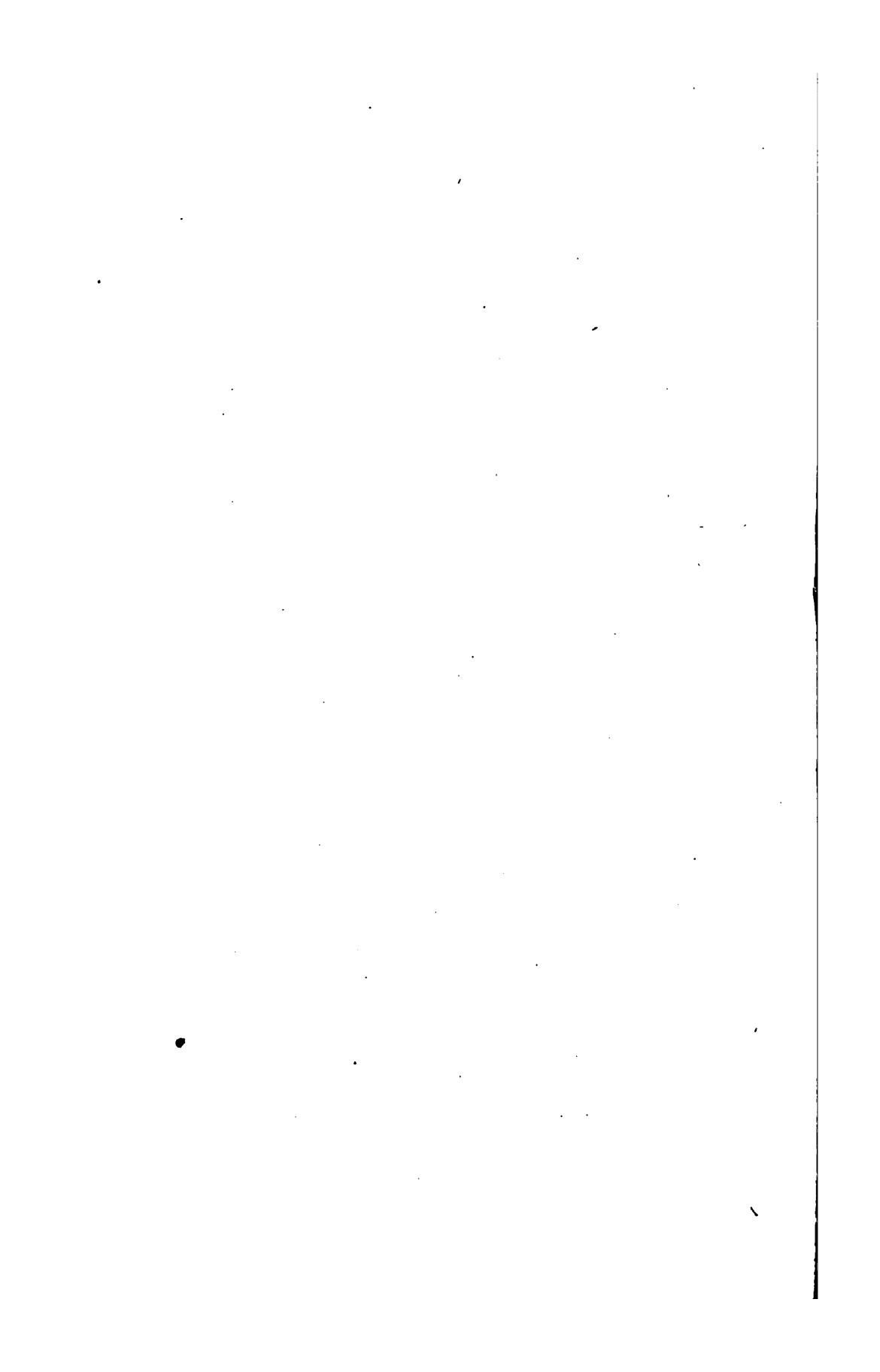
New York - Free Schools - Repeal of Act

HARVARD UNIVERSITY



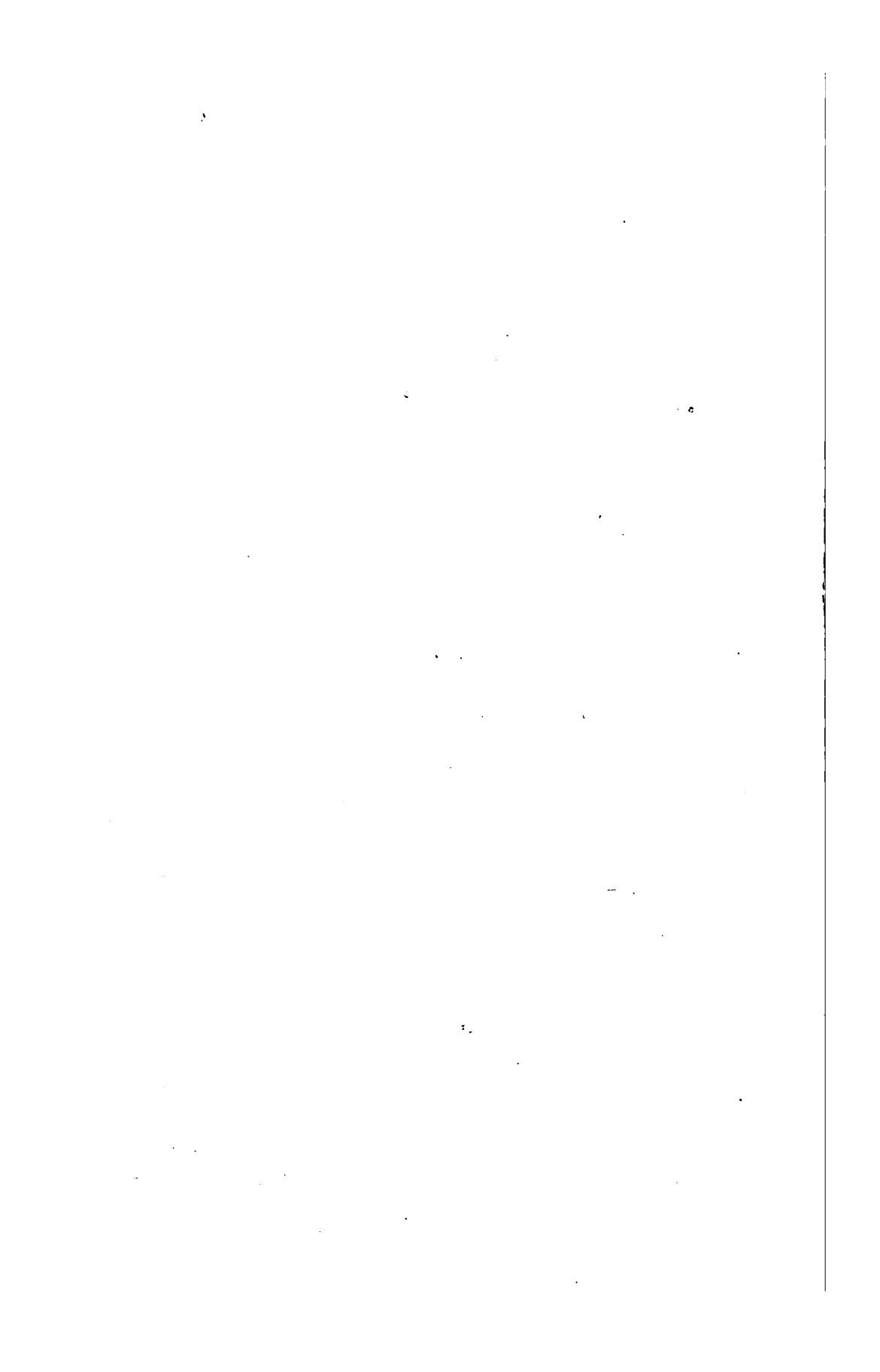
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A N A C T
SUBMITTING THE QUESTION
OF THE
REPEAL
OF THE ACT ESTABLISHING
FREE SCHOOLS
THROUGHOUT THE STATE,
WITH
FORMS AND INSTRUCTIONS.

ALBANY:
PRINTED BY WEED, PARSONS & CO.
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AN ACT

To submit to the People at the next Annual Election,
the question of the repeal of the act establishing
Free Schools throughout the State.

PASSED APRIL 10, 1850.

*The People of the State of New-York, represented in Senate
and Assembly, do enact as follows:*

SECTION 1. The electors of this State shall determine by ballot, at the annual election to be held in November next, whether the act entitled "An act establishing Free Schools throughout the State," passed March 26, 1849, and the act entitled "An act to amend an act entitled "An act establishing Free Schools throughout the State," passed April 11, 1849, shall be repealed.

§ 2. It shall be the duty of the State Superintendent of Common Schools, to prepare and furnish to the several Town Clerks in this State, forms of the poll lists, returns and other necessary proceedings, to carry into effect this act; and he shall also furnish, at the expense of the State, to each school district in the State, five copies of this act, with the forms prepared by him.

§ 3. The ballots to be deposited in the ballot box, shall be in the following form: Those cast in favor of the adoption of such repeal, shall contain the following words:

"SCHOOL."

"For the repeal of the New School Law."

Those cast against such repeal, shall contain the following words:

"SCHOOL."

"Against the repeal of the New School Law."

And the ballots shall be so folded as to conceal all the words, except the word "School," which latter head shall not be concealed, but shall appear on the ballot as folded.

§ 4. The inspectors of election in the several election districts, shall furnish a separate ballot box, into which shall be placed all the ballots given for or against the repeal of the new school law. The inspectors shall canvass the ballots, and make return thereof in the same manner as votes given for the office of governor and lieutenant governor are by law canvassed and returned; and the board of state canvassers shall ascertain, declare and certify the result, in the same manner as they are required to do in respect to the votes given for governor.

§ 5. In case a majority of all the votes given in the State shall be cast against the repeal of the new school law, then such law shall remain in force, as if this act had not been passed: and in case a majority of all the votes given in the State shall be cast for the repeal of the new school law, then the act establishing free schools throughout the State, passed March 26, 1849, and the act amending the same, passed April 11, 1849, shall be repealed; and such repeal shall take effect ten days after the result shall be ascertained and certified by the board of state canvassers.

§ 6. In case the act mentioned in the first section of this act shall be repealed as aforesaid, then all the acts which were repealed by the act entitled "An act establishing free schools," passed

March 26, 1849, shall be revived and enforced, in the same manner as if the aforesaid act passed March 26th, 1849, had never been passed.

§ 7. The repeal of the "Act establishing free schools throughout the State," passed March 26, 1849, shall not affect any act done, or right accrued or established, or any prosecution, suit or proceeding, had or commenced in any civil case previous to the term when such repeal shall take effect; but every such act, right and proceeding, shall remain as valid as if the act so repealed had remained in force.

In connection with the preceding act, it is deemed proper to publish the two following acts therein referred to.

AN ACT

Establishing Free Schools throughout the State.

[Passed March 26, 1849, three-fifths being present.]

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Common schools in the several school districts in this State shall be free to all persons residing in the district over five and under twenty-one years of age. Persons not residents of a district may be admitted into the schools kept therein, with the approbation in writing of the trustees thereof, or a majority of them.

§ 2. It shall be the duty of the several boards of supervisors, at their annual meetings, to cause to be levied and collected from their respective counties, in the same manner as county taxes, a sum equal to the amount of State school moneys apportioned to such counties, and to apportion the same among the towns and cities in the same manner as the moneys received from the State are apportioned. They shall also cause to be levied and collected from each of the towns in their respective counties, in the same manner as other town taxes, a sum equal to the amount of state school moneys apportioned to said towns respectively.

§ 3. The trustees of each school district within thirty, and not less than fifteen, days, preceding the time for holding the annual

district meeting in each year, shall prepare an estimate of the amount of money necessary to be raised in the district for the ensuing year, for the payment of the debts and expenses to be incurred by said district for fuel, furniture, school apparatus, repairs, and insurance of school house, contingent expenses, and teachers' wages, exclusive of the public money, and the money required by law to be raised by the counties and towns and the income of local funds, and shall cause printed or written notices thereof to be posted for two weeks previous to said meeting, upon the school-house door; and in three or more of the most public places in said district. The trustees shall present such estimate to such meeting, and the voters present who are of full age residing in such school district and entitled to hold land in this State, who own or lease real property, in such district, subject to taxation for school purposes, or who shall have paid any district tax within two years preceding, or who own any personal property liable to be taxed for school purposes in such district, exceeding fifty dollars in value, exclusive of such as is exempt from execution, and no others, shall vote thereon for each item separately; and so much of said estimate as shall be approved by a majority of such voters present, shall be levied and raised by tax on said district, in the same manner as other district taxes are now by law levied and collected. District collectors shall in all cases, before entering upon the duties of their respective offices, give security to the satisfaction of the trustees, for the faithful discharge of their duties; and all monies collected by them shall be paid to the trustees of their respective districts.

§ 4. It shall be the duty of the collector, upon receiving his warrant, for two successive weeks to receive such taxes as may be voluntarily paid to him; and in case the whole amount shall not be so paid in, the collector shall proceed forthwith to collect the same. He shall receive for his services, on all sums paid as afore-

said, one per cent, and upon all sums collected by him after the expiration of the time mentioned, five per cent; and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to travelling fees, at the rate of six cents per mile, to be computed from the school house in such district.

§ 5. If the trustees shall neglect to prepare the said estimate within the time herein limited, or shall neglect to post the required notice, it shall be lawful for the meeting to adjourn to such other time as will be sufficient to prepare the said estimate and give the said notice.

§ 6. When the said voters of any district at their annual meeting shall refuse or neglect to raise by tax a sum of money, which added to the public money, and the money raised by county and towns, will support a school in said district for at least four months in a year, keep the school house in proper repair, and furnish the necessary fuel, then it shall be the duty of said trustees to repair the school house, purchase the necessary fuel, and employ a teacher for four months, and the expense shall be levied and collected in the manner provided in the third section of this act.

§ 7. Free and gratuitous education shall be given to each pupil, in each of the common, public, ward and district schools, in the respective cities of this state, now incorporated or hereafter to be incorporated, including the schools of the Public School Society in the city of New-York, according to any law now in force in said cities. And by each city, where such free and gratuitous education is not already established, laws and ordinances may and shall, without delay, be passed, providing for and securing and sustaining the system in each of their common, public, ward or district schools.

§ 8. All laws and parts of laws inconsistent with the provisions of this act, other than those relating to free schools in any cities [or villages*] in this State, are hereby repealed.

§ 9. In case any trustee or other school district officer shall use any money in his hands belonging to such district, and shall not apply the same as directed by law, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

§ 10. The electors shall determine by ballot, at the annual election to be held in November next, whether this act shall or shall not become a law.

§ 11. It shall be the duty of the State Superintendent of Common Schools to prepare and furnish to the several town clerks in this state, forms of the poll lists, returns, and other necessary proceedings to carry into effect this act, and he shall also furnish at the expense of the State, to each school district in the State, five copies of this act, with the forms prepared by him.

§ 12. The ballots to be deposited in the ballot box shall be in the following form. Those cast in favor of the adoption of this act shall contain the following words:

SCHOOL.

For the New School Law.

Those cast against the adoption of this act shall contain the following words:

SCHOOL.

Against the New School Law.

* Chap. 7, Laws of 1850.

And the ballots shall be so folded as to conceal all the words, except the word "school," which latter word shall not be concealed, but shall appear on the ballot as folded.

§ 13. The inspectors of elections in the several election districts shall furnish a separate ballot box, into which shall be placed all the ballots given for or against the new school law. The inspectors shall canvass the ballots, and make return thereof in the same manner as votes given for the office of governor and lieutenant-governor are by law canvassed and returned.

§ 14. In case a majority of all the votes in the State shall be cast against the new school law, this act shall be null and void; and in case a majority of all the votes in the State shall be cast for the new school law, then this act shall become a law, and shall take effect on the first day of January, eighteen hundred and fifty.

AN ACT

To amend an act entitled "An act establishing Free Schools throughout the State," passed March 26, 1849.

[Passed April 11, 1849, three-fifths being present.]

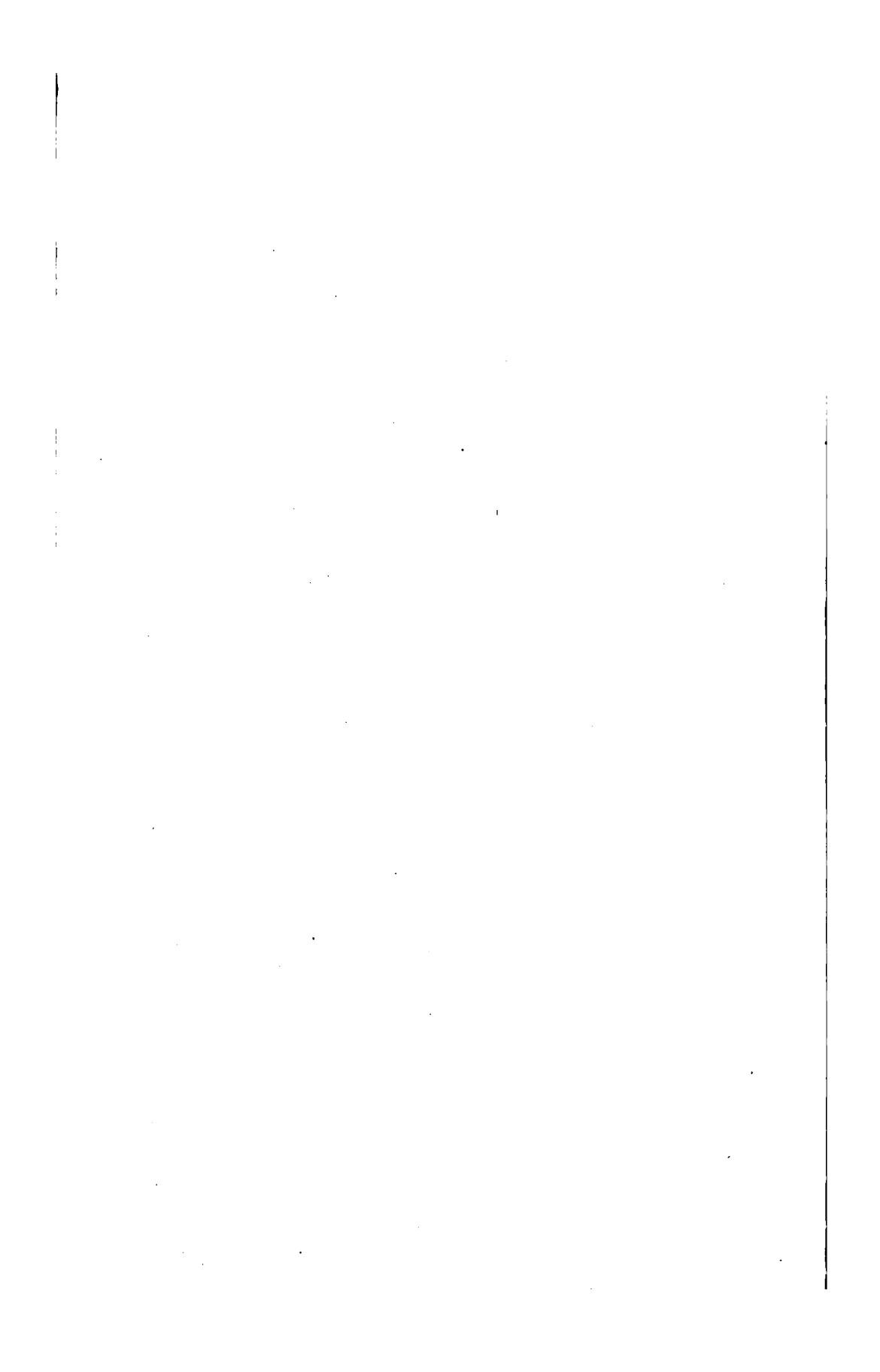
The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of the act entitled "An act establishing free schools throughout the State," passed March 26, 1849, is hereby amended by striking out the word "second," in the last line of said section, and inserting the word "third" in lieu thereof; and the said section shall be amended accordingly in the printed copies of said act when published by the secretary of state.

§ 2. The fourteenth section of said act is amended, by striking out therefrom all after the word "effect," and inserting in lieu thereof the word "immediately."

§ 3. The trustees of any school district, or a majority of them, may, at any time after the adoption of this act by the people, and prior to the first annual meeting thereafter, if they deem it necessary, call a special meeting for the purpose mentioned in the third section of said act; and notice of the same shall be given at the same time and in the same manner as is required by said section in relation to the estimates therein mentioned.

§ 4. This act shall take effect immediately.



FORMS AND INSTRUCTIONS

Prepared in pursuance of Section 2, of the Act to submit to the people at the next annual election, the question of the repeal of the Act establishing Free Schools throughout the State.

POLL LIST.

The Inspectors of Election will provide a separate box to contain the ballots cast for and against the repeal of the school law; and the clerks of the polls will add another column to the poll lists kept by them, heading it "School Law."

FORM OF BALLOT.

The form of the ballot is prescribed in the third section of the Act.

CERTIFICATE OF CANVASS.

We, the Inspectors of Election, in and for the election district of the town of _____ (or of the ward of the city of _____,) in the county of _____, do certify that the following is a correct statement of the

votes given for and against the repeal of the new school law, at a general election held in said district, on the day of November, one thousand eight hundred and fifty, viz: That the whole number of votes given for and against the repeal of said law, was ; of which were given "for the repeal of the new school law," and were given "against the repeal of the new school law."

Dated Nov. 1850.

A. B. }
C. D. } *Inspectors of Election.*
E. F. }

The certificate must be returned in the same manner as the certificate of the canvass of other votes cast at the same election.

COUNTY CANVASS.

Statement of the Board of County Canvassers.

STATEMENT IN RELATION TO THE NEW SCHOOL LAW.

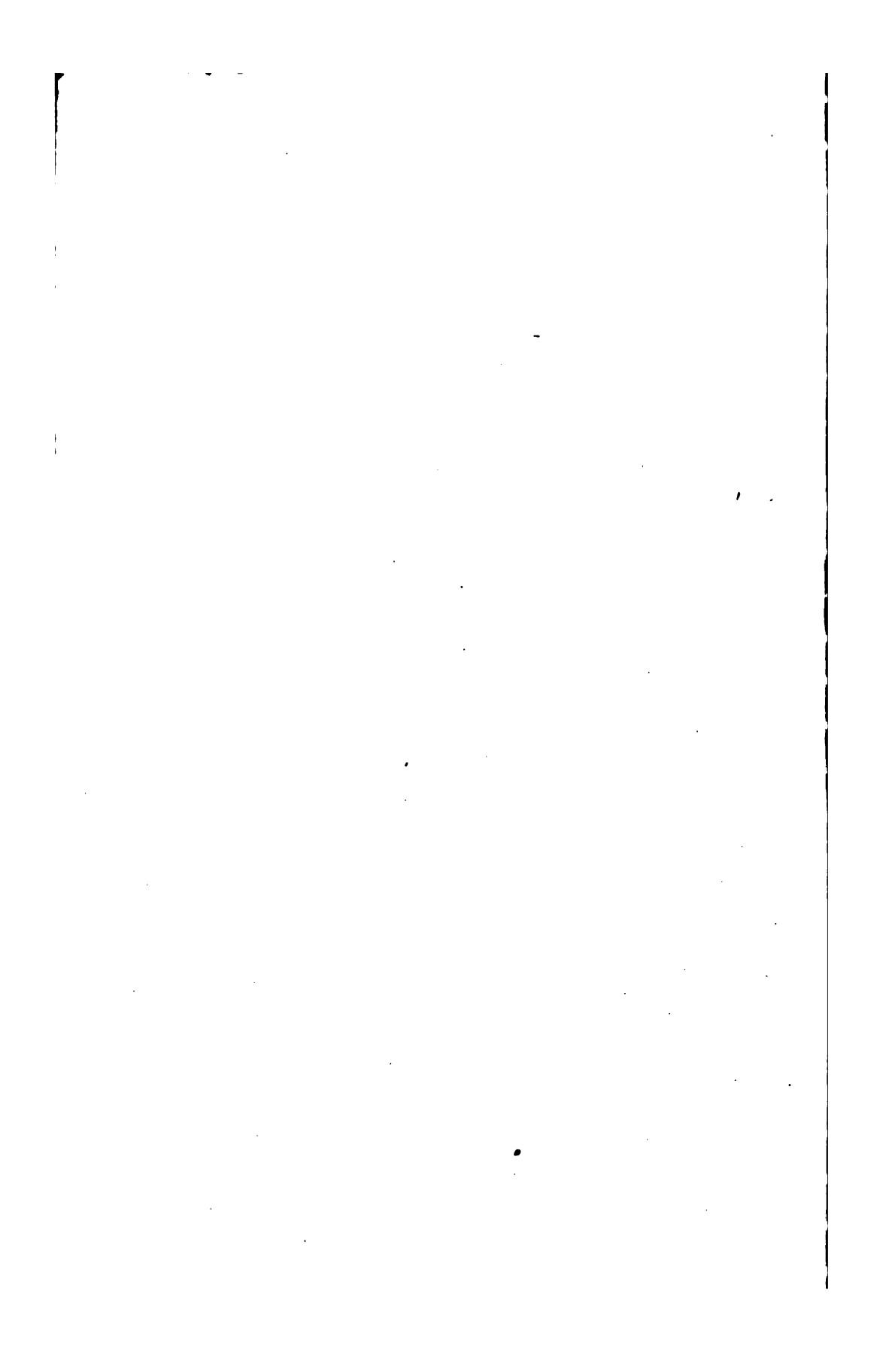
The board of county canvassers of the county of _____, having met at the office of the clerk of said county, on the _____ day of November, 1850, to canvass and estimate the votes given in the several election districts of said county, at a general election held on the _____ day of November, in the year aforesaid, do certify as follows, to wit: That it appears from such estimate and canvass, that the whole number of votes given for and against the repeal of the new school law was _____, of which were given "for the repeal of the new school law," and _____ were given "against the repeal of the new school law."

Dated the _____ day of _____, in the year 1850.

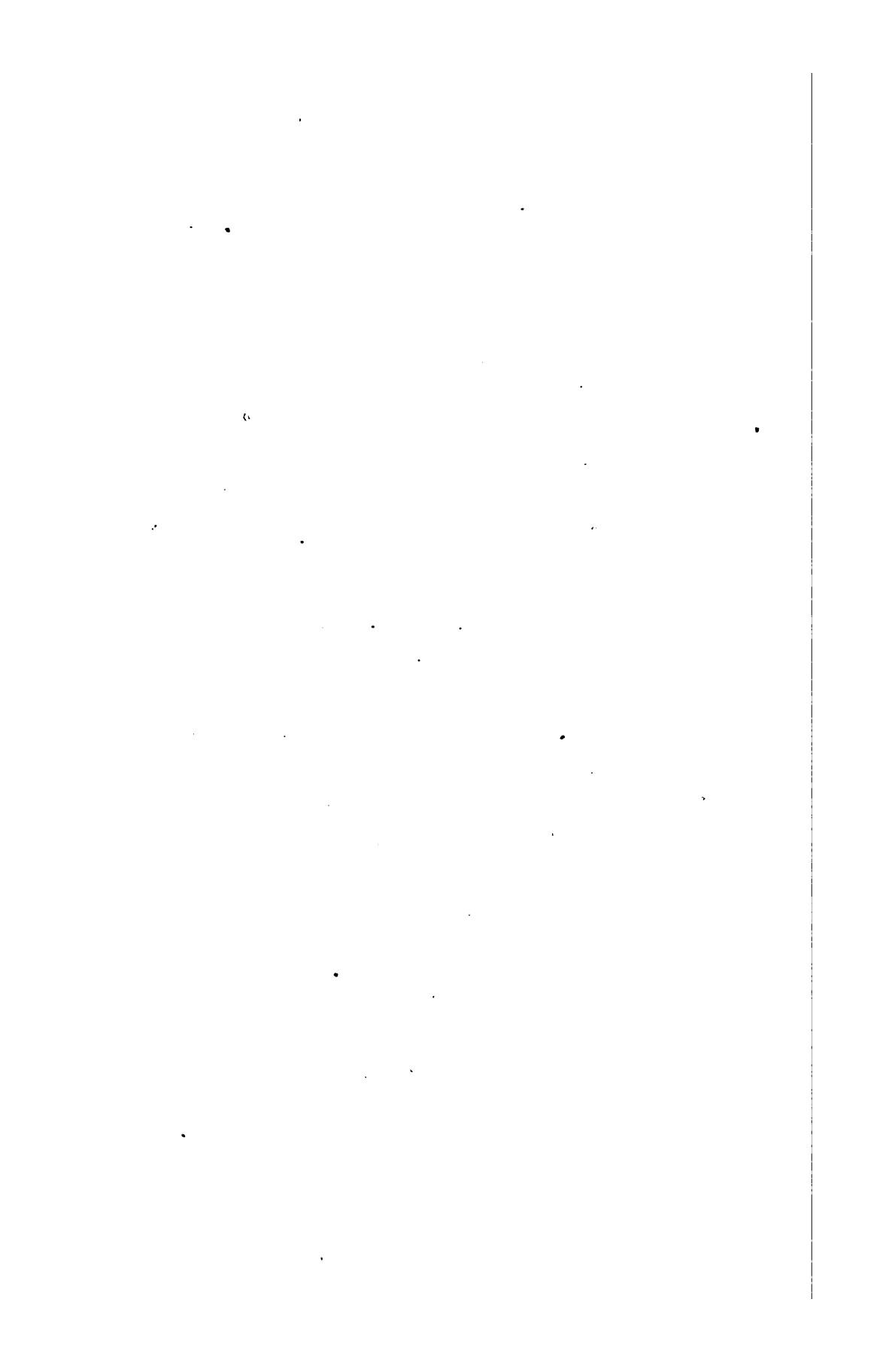
A. B., *Chairman.*

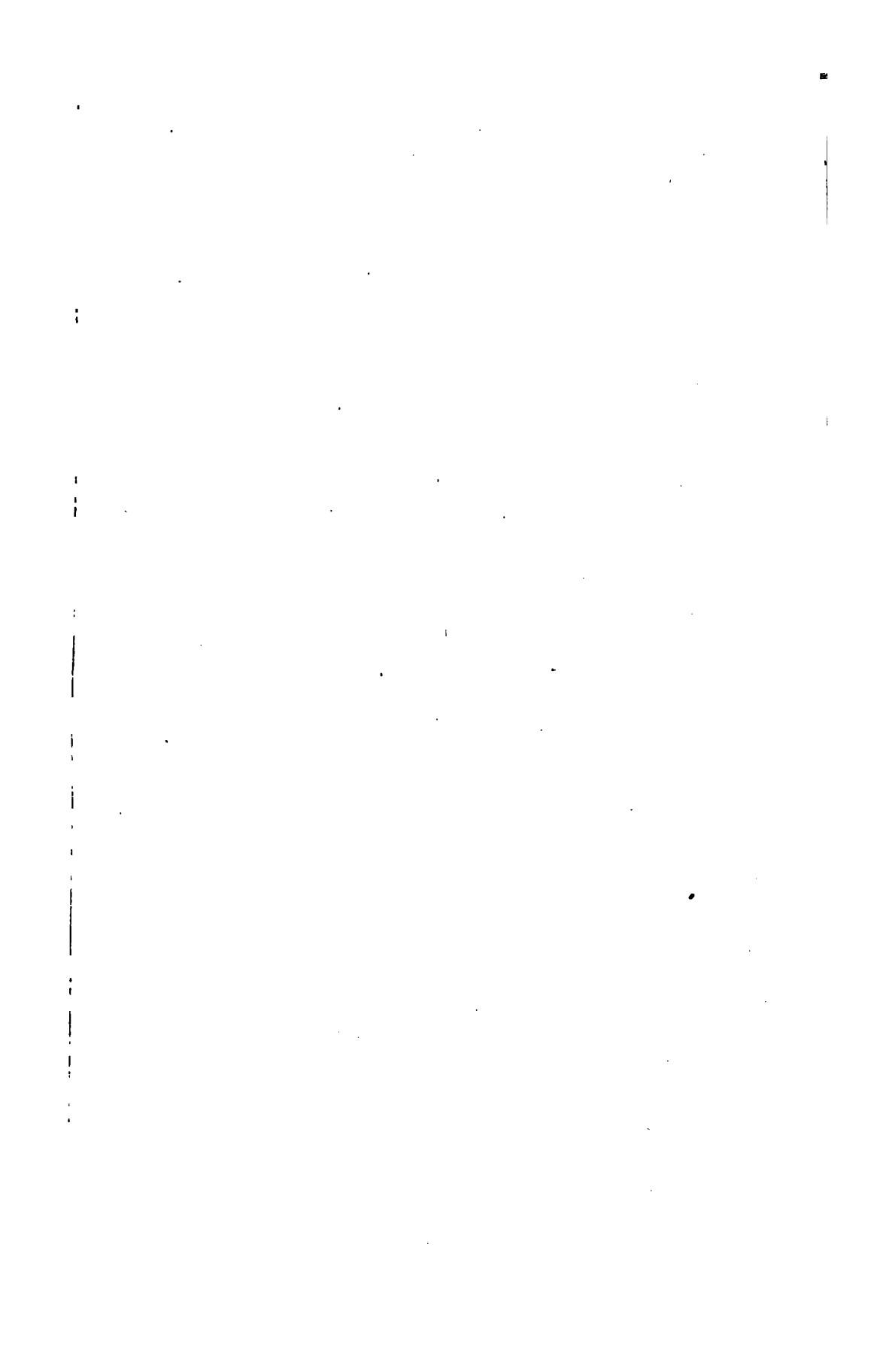
C. D., *Clerk of said county and Secretary.*

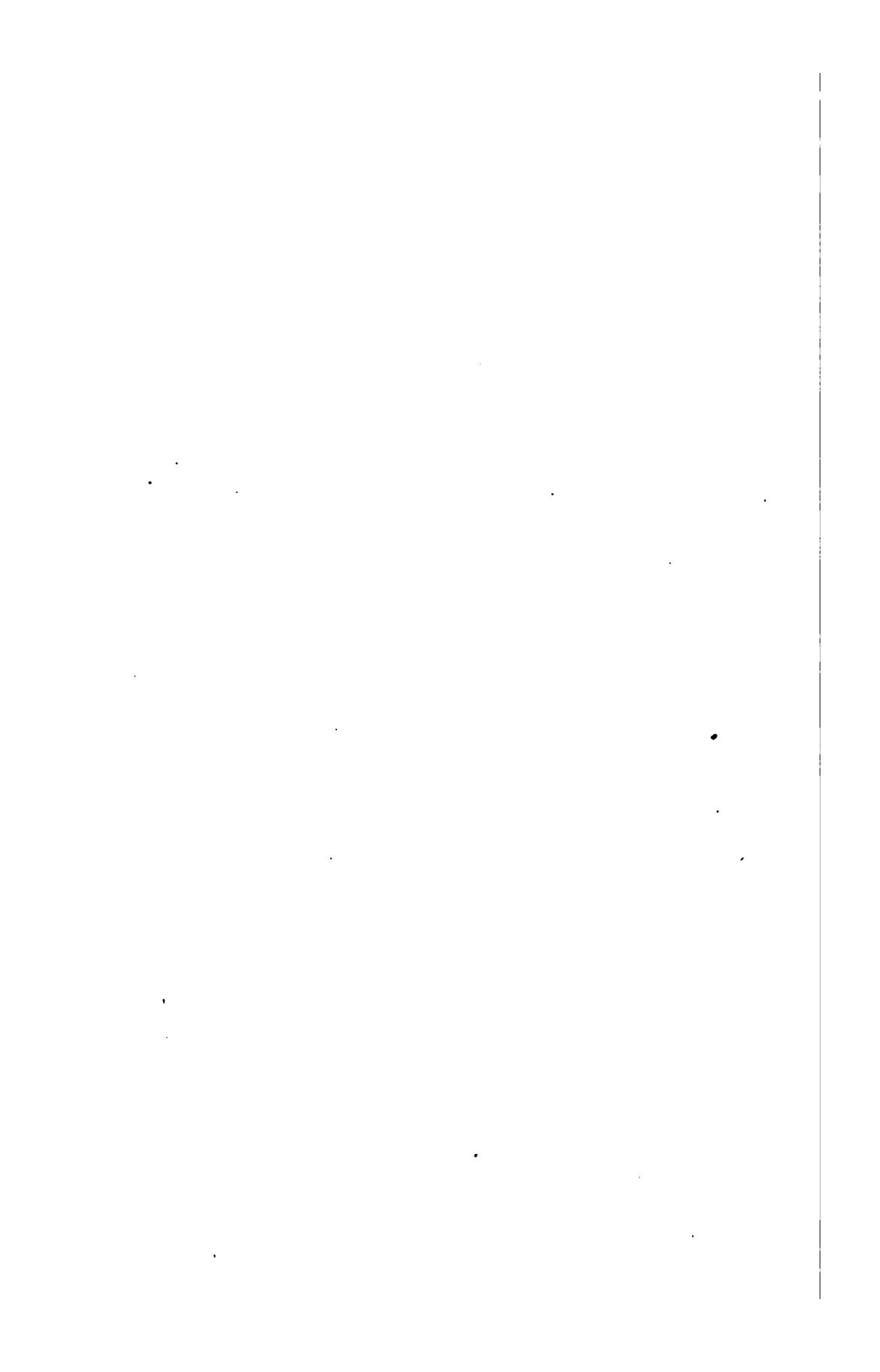
The county clerk will prepare three certified copies, under his signature, and sealed with his seal of office, of the foregoing statement, and within five days after the adjournment of the board of county canvassers, will deposit the same in the nearest post-office, one of said certified copies being directed to the Governor, one to the Comptroller, and one to the Secretary of State.











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